

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 08-179 (PAM/JJG)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	PRELIMINARY ORDER
v.)	OF FORFEITURE
)	
DELL MARTIN LECLAIR,)	
)	
Defendant.)	

Based on the United States' motion for a Preliminary Order of Forfeiture; on the Plea Agreement entered into between the United States and Defendant Dell Martin Leclair; on the Court having found that certain property is subject to forfeiture pursuant to Title 18 U.S.C. § 981(a)(1)(C) in conjunction with 28 U.S.C. § 2461(c); and on the Court's determination that, based on the Plea Agreement entered into by the defendant and based on all of the files and records of this proceeding, the government has established the requisite nexus between such property and the offense to which the defendant has pled guilty,

IT IS HEREBY ORDERED that:

1. the following property is forfeited to the United States pursuant to Title 18 U.S.C. § 981(a)(1)(C) in conjunction with 28 U.S.C. § 2461(c):

- a. the real property located at 261 East Emerald Lake Drive West, Grapeview, Washington, and legally described as Lot Thirty (30), Emerald Lake Division No. 3, as per plat recorded in Volume 9 of Plats, Page 5, Records of Mason County, Washington, Tax Parcel No. 32124 52 00030, to the extent of the \$101,489 in proceeds from Count 1 of the Indictment invested in the property;

- b. funds in the amount of \$5,000.00 seized from IRA account number 932-0948442 at Wells Fargo Bank; and
- c. 2006 Chevrolet Silverado 1500, VIN 3GEC14VX6G224972, to the extent of the sum of \$6,664.41, which sum represents the proceeds from Count 1 of the Indictment used to purchase a 2003 Chevrolet Impala, VIN 2G1WF52E239179188, the vehicle that the defendant agreed to forfeit in his Plea Agreement.

2. the Attorney General or his authorized designee may seize the foregoing property and maintain custody and control of the property pending the entry of a Final Order of Forfeiture;

3. the United States shall, pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), publish and give notice of this Order and its intent to dispose of the foregoing property in such manner as the Attorney General may direct;

4. pursuant to Fed.R.Crim.P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing, and shall be made a part of the sentence and included in the judgment;

5. following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United States shall have clear title to the foregoing property and may warrant good title to any subsequent purchaser or transferee; and

6. this Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed.R.Crim.P. 32.2(e).

Dated: September 22, 2008

s/Paul A. Magnuson
PAUL A. MAGNUSON, Judge
United States District Court